IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 21054 of 2007(F)

PETITIONER:

JAYAKUMAR, S/O MADHAVAN,
KOCHUTHUNDIL, NANGIYARKULANGARA, HARIPAD,
REPRESENTED BY HIS CIVIL AGENT,
PRASAD, KORANDIPALLY HOUSE,
ERUVA EAST, KAYAMKULAM.

BY ADV. SRI. S.MOHANAN
SRI.R.REJI

RESPONDENTS:

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1. THE ADDL. DISTRICT MAGISTRATE,
ALAPPUZHA.

2. THE KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN PATTOM P.O.,
THIRUVANANTHAPURAM,
REP. BY ITS SECRETARY.

3. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTICAL SUB DIVISION, HARIPAD,
KERALA STATE ELECTRICITY BOARD.

4. REJIKUMAR,
KOMALATHIL KIZHAKKATHIL,
NANGIYARKULANGARA,
HARIPAD.

BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 21054 of 2007

Dated, this the 7th day of August, 2007

J U D G M E N T

Heard learned counsel for the petitioner and learned Standing Counsel for the KSEB. The petitioner is opposing the electric line, approved by the ADM over his property for giving connection to the 4th respondent. It is seen from the sketch produced by the learned Standing Counsel for KSEB that a post stands installed almost in the middle of petitioner's property at the position 'B', wherefrom petitioner has taken a connection. The line approved by ADM involves shifting of the post from 'B' to 'B1' i.e. almost to the boundary of petitioner's property wherefrom the line would be drawn to the beneficiary through the post installed in the property of Mr.Raveendran, who has given consent. On the face of it, since the line proposed is drawal of line over the boundary of the properties of the petitioner and Mr. Raveendran, petitioner cannot have any serious objection and further by shifting the post from the position 'B', which is presently in the middle of petitioner's property to 'B1', which is on the boundary of petitioner's property, petitioner also stands to gain. Therefore, I am of the view that the line approved by the ADM is least inconvenient one for the petitioner. However, learned counsel for the petitioner suggested to install

another post at position 'B2' i.e. to the east of post 'B' and then to draw the line exclusively through the boundary of petitioner's property. I do not think any other person can have any objection in this, because going by the sketch, the grievance will be only for the petitioner, as the line goes across his property with retaining the existing post in the middle of his property. In any case, petitioner can have an option either to accept the ADM's proposal, if it is more beneficial or to have the line drawn from 'B2' and from there through the boundary of petitioner's property to the beneficiary. Accordingly, this writ petition is disposed of directing 3rd respondent to install a new post at 'B2' and from 'B2' draw the line through the boundary of petitioner's property, if the line is feasible. The line should not be longer than the approved route or if any additional cost is incurred in this regard, petitioner will meet the same. Similarly, if post 'B' can be dispensed with and line can be drawn from 'B2', the respondent will do so. The connection should be given to the beneficiary without any delay. Petitioner will produce copy of the judgment along with a copy of the sketch prepared by the KSEB with his modifications approved as above before the 3rd respondent, for the 3rd respondent to arrange drawal of the line.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg